IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 227 of 2009

Date of decision: 04.09.2012

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1. Mahasu Ram son of Sh. Om Parkash, resident of V.P.O. Indora, Tehsil Indora, District Kangra, H.P.
2. Rajinder Kumar Kanwar son of Prem Dass, resident of Aima, P.O. Palampur, Kangra, H.P.
3. Randhir Kapoor son of Sh. Sham Lal, resident of Ward No. 6 Canal Road, Paonta Sahib, District Sirmaur, H.P.
4. Bhag Chand son of Karnu Ram, VPO Nandi, Tehsil Chachyot, District Mandi, H.P.
5. Anil Puri son of late Sh. Karam Chand Puri, resident of Mohalla Surara, Tehsil and District Chamba, H.P. presently Clerk in the office of District Tehsil Welfare Office, Chamba, H.P.

… Petitioners

Versus

1. State of H.P. through Principal Secretary Social Welfare and Empowerment to the Government of H.P. Shimla.

2. Director Social Welfare and Empowerment, Government of Himachal Pradesh, Shimla.

… Respondents

Civil Writ Petition under Article 226
of the Constitution of India.

Coram :

The Hon'ble Mr. Justice V.K. Ahuja, Judge.

Whether approved for reporting?[1] No.

For the petitioners: Ms. Ranjana Parmar, Advocate.

For the respondents: Mr. J.S. Guleria, Assistant Advocate General.

V.K. Ahuja , J. (Oral):

Learned counsel for the petitioners has relied upon a decision of this Court delivered in **CWP No. 1793 of 2009** titled **Rajesh Kumar** Vs. **State of H.P. and another**, on 29.8.2012 and has prayed that similar order may be passed in the present case, since

[1]Whether reporters of Local Papers may be allowed to see the judgment?

it is covered by the decision of the above referred case. The order passed in the above referred case is being reproduced herein below:-

> "2. My attention has been drawn by the learned Assistant Advocate General to a copy of judgment passed by learned Single Judge in **CWP(T) No. 11342 of 2008** titled **Anil Puri** Vs. **State of H.P. and another**, decided on 21.4.2011, in which the following orders were passed by the learned Single Judge:-
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> "6. What emerges from the observations and discussions made hereinabove is that the posts of Tehsil Welfare Officers were available and the incumbents were considered according to the old Recruitment and Promotion Rules. Since the petitioner was ranking far below in the seniority list, he could not be promoted though he had exercised his option in the years 1997 and 1999. Now, as far as the new Recruitment and Promotion Rules promulgated on 4.7.2002 are concerned, petitioner is not eligible for the post of Tehsil Welfare Officer. However, his case is required to be considered in accordance with law for the post of Senior Assistant, as undertaken by the respondent-State in the reply."
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> 3. The petition is disposed of in view of the above referred case and similar order is being passed in this case also and the case of the petitioner shall be considered by the respondent – State for the post of the Senior Assistant, if there was a vacancy and the petitioner was eligible on 4.7.2002, when the rules were amended. This clarification is being given to avoid any dispute.
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> 4. The petitioner as informed, was already promoted to the post of Senior Assistant in the years 2006 and 2008, but he had not joined since he was not given the seniority from the back date. This shall

be considered with effect from 4.7.2002 when the Recruitment and Promotion Rules were amended.

5. The order shall be passed by the respondent No. 2 within eight weeks from the date of production of a certified copy of this judgment by the petitioner."

2. The present petition accordingly stands disposed of in view of the above order. Pending miscellaneous application(s), if any, also stands disposed of.

(V.K. Ahuja),
Judge

September 04, 2012
(BSS)